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In re application of: McFarland et al.

Group Art Unit: 1627

Serial No.: 08/941,170

Examiner: P. Ponnaluri

Filed: 09/30/1997

For: POTENTIAL MASKING SYSTEMS AND METHODS FOR COMBINATORIAL
LIBRARY SYNTHESIS

Attorney Docket No.: 1012-090C1

TERMINAL DISCLAIMER

Box AF
Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Without conceding the same is necessary, but in order to expedite prosecution, this Terminal Disclaimer is being filed to overcome a double patenting rejection issued by the examiner in the above referenced patent application.

Accordingly:

1. Symyx Technologies, Inc., the assignee of record of the present application, as well as on U.S. Patent No. 6,187,164 through its attorney, hereby disclaims and dedicates to the public the term of any patent which issues from the present application which extends beyond the expiration date of U.S. Patent No. 6,187,164.

2. Symyx Technologies, Inc., through its attorney, further agrees and acknowledges that any patent granted on the present application shall be enforceable only for and during the period that said patent is commonly owned with said U.S. Patent No. 6,187,164. This agreement runs with any patent granted on the instant application and is binding upon the grantor, its successor or assignees.

3. In making the above disclaimer, Symyx Technologies, Inc., through its attorney, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,187,164 in the event that it: expires for failure to pay a maintenance

fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(b), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title above.

The Commissioner is hereby authorized to charge the filing fee of \$55.00 to Deposit Account No. 50-0496. If any additional fee is due with the filing of this paper please charge the amount to deposit account 50-0496.

Respectfully submitted,

Dated: May 14, 2002



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